

REMARKS

Claims 1-44 are pending in the application. Claims 2, 9-17, 19, 27-35 and 37 have been canceled.

Claims 1-8, 18-26, and 36-44 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-5, 7, 18-22, 24, and 36-39 of U.S. Patent No. 6,934,594. Applicants file a Terminal Disclaimer herewith to overcome this rejection.

Claims 1-8, 18-26, and 36-44 are objected to due to informalities. Claims 1-8, 18-26, and 36-44 have been amended to address this rejection.

Claims 1, 3-4, 6, 18, 20-21, 24, 36, 38-39, and 41-42 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Corbett, Lawrence M., "Delivery Windows-A New View on Improving Manufacturing Flexibility and On-Time Delivery Performance," Production and Inventory Management Journal, 1992: Pages 74-79 (Corbett). Claims 2, 5, 7-8, 19, 22, 25, 26, 37, 40, and 43-44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Corbett in view of Threatte, Kermit and Stephen C. Graves, "Tactical Shipping and Scheduling at Polaroid with Dual Lead-Times" Proceedings of the 2002 SMA Conference, Singapore, 2002 (Threatte).

The present invention generally relates to scheduling manufacturing of an item such that the item may be shipped using a lower cost shipping method while meeting a customer's expressed desire to have the item arrive according to an expedited shipping method. It is well established that expedited shipping generally refers to delivery within one to three business days whereas delivery that takes longer than one to three business days is considered a lower cost shipping method (e.g., ground shipping).

More specifically, the present invention, as set forth by independent claim 1, relates to a method for scheduling manufacture of an item in a factory. The method includes obtaining a customer order, the customer order including an item ordered by a customer, the customer order including a desired shipping schedule, the desired shipping schedule corresponding to an expedited shipping method; planning a time for manufacturing the item so as to have the

manufacture of the item complete during a desired shipping window; determining the desired shipping window so as to allow the item to be shipped via a lower cost shipping method while arriving at a destination as if shipped via an the expedited shipping method; and, scheduling manufacturing of the item based upon the determining. Claim 18 relates to a system of similar scope and claim 36 relates to an apparatus of similar scope.

Corbett discloses work scheduling and capacity management using delivery windows.

The examiner sets forth that on-time delivery as discussed by Corbett discloses determining a shipping window so as to allow an item to be shipped via a lower cost shipping method while arriving at a destination as if shipped via an expedited shipping method. However, it is respectfully submitted that nowhere within Corbett is there even a recognition of the problem addressed by the present invention, much less the way the present invention address this problem by determining a desired shipping window so as to allow the item to be shipped via a lower cost shipping method while arriving at a destination as if shipped via an the expedited shipping method, as required by claim 1 and as substantially required by claims 18 and 36.

When discussing obtaining a customer order, the customer order including an item ordered by a customer, the customer order including a desired shipping schedule, the desired shipping schedule corresponding to an expedited shipping method, the examiner sets forth:

Threatte et al. teaches that the desired shipping schedule corresponds to an expedited shipping method (Column 1, Paragraphs 1-2, Page 1; Last two Paragraphs, Page 3) in an analogous art of shipment scheduling for the purposes of providing a decision support system that ‘makes production scheduling and specifies shipping options to reduce total supply chain cost’ (Abstract; Column 2, paragraph 1, Page 1; Column 1, Last Two Paragraphs, Page 3).

However it is respectfully submitted that Threatte teaches away from the present invention. Threatte discloses a shipping decision support model which is used to address increasing transportation costs associated with frequent air shipments. The shipping decision support model is used to determine how to ship product from a manufacturer to a supplier. It is respectfully submitted that nowhere within Threatte is there even a recognition of the problem addressed by the present invention, much less the way the present invention address this problem by determining a desired shipping window so as to allow the item to be shipped via a lower cost

shipping method while arriving at a destination as if shipped via an the expedited shipping method, as required by claim 1 and as substantially required by claims 18 and 36.

More specifically, Corbett and Threatte, taken alone or in combination, do not teach or suggest a method for *scheduling manufacture of an item in a factory*, much less such a method that includes obtaining a customer order which includes an item ordered by a customer and a desired shipping schedule where the desired shipping schedule corresponds to an expedited shipping method; *determining a desired shipping window so as to allow the item to be shipped via a lower cost shipping method while arriving at a destination as if shipped via an the expedited shipping method*; and, *scheduling manufacturing of the item based upon the determining*, all as required by Claim 1 and as substantially required by claims 18 and 36. Accordingly, Claims 1, 18 and 36 are allowable over Corbett and Threatte. Claims 2-8 depend from Claim 1 and are allowable for at least this reason. Claims 19-26 depend from Claim 18 and are allowable for at least this reason. Accordingly, Claim 36 is allowable over Corbett and Threatte. Claims 37-44 depend from Claim 36 and are allowable for at least this reason.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned at 512-338-9100.

The Commissioner is authorized to deduct any additional fees, which may be necessary, and to credit any overpayment to Deposit Account 502264.

I hereby certify that this correspondence is being electronically submitted to the COMMISSIONER FOR PATENTS via EFS on June 19, 2008.

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Respectfully submitted,

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